

**REMARKS**

This Amendment is responsive to the Office Action dated August 4, 2005. Claims 1-46 were pending in the application. In the Office Action, claims 1-46 were rejected. In this Amendment, claims 1, 4, 6, 10, 12, 15, 16, 20, 21, 23-25, 32, 33, 35, 42-44 and 46 were amended. Claims 1-46 thus remain for consideration.

Applicant submits that claims 1-46 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

**§101 Rejections**

Claims 21 and 44 were rejected under 35 U.S.C. §101 as being merely drawn to an "information recording medium," and thereby directed to non-statutory subject matter.

Claims 21 and 44 have been amended to be drawn to a "computer-readable medium" encoded with a data structure. As stated in the Manual of Patent Examining Procedure:

a claimed computer-readable  
medium encoded with a data  
structure defines structural  
and functional  
interrelationships between  
the data structure and the  
computer software and  
hardware components which  
permit the data structure's  
functionality to be realized,  
and is thus statutory.

(MPEP 2106 IV B 1(a))

Accordingly, Applicant submits that claims 21 and 44 are directed to statutory subject matter and requests that the rejections under §101 be withdrawn.

**§112 Rejections**

Claims 21 and 44 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserted that the language "information recording medium" rendered claims 21 and 44 indefinite.

Claims 21 and 44 have been amended such that they are directed to a "computer-readable medium" rather than an "information recording medium." Accordingly, Applicant submits that claims 21 and 44 are now in compliance with §112 and requests that the rejections under §112 be withdrawn.

#### §102 and §103 Rejections

Claims 1, 2, 12, 13, 21, 23, 25-29, 31, 35-39, 41, 44 and 46 were rejected under 35 U.S.C. §102(e) as being anticipated by Ginter et al. (U.S. Patent No. 6,253,193).

Claims 3, 14, 30 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter in view of Sprunk et al. (U.S. Patent No. 5,754,569).

Claims 4, 5, 15, 32, 34 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter in view of Ober et al. (U.S. Patent No. 6,307,936).

Claims 6-8, 16-18, 22, 24 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter in view of Ruben et al. (U.S. Patent No. 6,138,237).

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter in view of Ruben, and in view of Sprunk.

Claims 10, 11 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter in view of Ruben, and in view of Ober.

Applicant submits that the independent claims (claims 1, 6, 12, 16, 21, 23-25, 35, 44 and 46) are patentable over Ginter, Sprunk, Ober and Ruben.

Applicant's invention as recited in the independent claims are directed toward playing back encrypted content from a recording medium, recording encrypted content to a recording medium, and a medium storing encrypted content. Each of the claims recites that the medium is operable with a device or computer system (collectively referred to hereinafter as a "device"), that the device corresponds to a leaf of a key-tree structure, and that the key-tree structure "including a plurality of nodes and a plurality of leaves, said plurality of nodes including a root node, and each of said nodes and each of said leaves corresponding to a respective encryption key." Each of the claims further recites that "decryption by [the device] of said encrypted content is selectively inhibited by changing one or more keys corresponding to nodes between [the device] and said root node." Supporting disclosure for Applicant's scheme for selectively inhibiting decryption can be found in the specification at, for example, paragraphs [0166]-[0179] and [0229]-[0297].

Since neither Ginter, Sprunk, Ober nor Ruben discloses Applicant's scheme for selectively inhibiting decryption, Applicant believes that claims 1, 6, 12, 16, 21, 23-25, 35, 44 and 46 are patentable over Ginter, Sprunk, Ober and Ruben - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-5, 7-11, 13-15, 17-20, 22, 26-34, 36-43 and 45 are patentable over Ginter, Sprunk, Ober and Ruben for at least the same reasons as discussed in connection with the independent claims.

As it is believed that all of the rejections set forth in the Official Action have been fully addressed, favorable

reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to discuss any additional objections which he/she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By



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